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DAYTON STREET PROTECTION AREA GUIDELINES

Section 1. That the plat entitled "Plat of Dayton Street Historic Interest Area" and showing the boundaries of Areas A, B and C, within the area of historic interest, and dated January, 1965, and designated as [Exhibit #1](#), and the photographs of the facades of the principal buildings known as 807 to 939 Dayton Street, 808 to 824 Dayton Street, and 830 to 940 Dayton Street in Area "A," designated as Exhibit #2, both Exhibits being made a part thereof, and accompanying guides and procedures applicable to the area on said plat, approved by the City Planning Commission on April 23, 1965, and transmitted to the Council, are hereby adopted for a time limit of fifty (50) years, and shall be in full force and effect for fifty (50) years.

Section 2. That the architectural style, applicable generally to the principal buildings identified in Section 1, including structures accessory thereto, should adhere as closely as possible to the original architectural style of the latter nineteenth (19th) century, including but not necessarily limited to such characteristics as: (a) building height of two (2) or three (3) stories; (b) building width of two (2) to four (4) window bays; (c) roofs of the flat or mansard type; (d) building materials consisting of masonry, wood and iron of the type characteristic of the latter nineteenth (19th) century; (e) ornamentation made of these materials, such as window and door lintels, quoins, cornices, fences, railings and the like; (f) paving of walkways; and (g) building set-back from the street line of ten (10) to fifteen (15) feet.

Section 3. That, within Area A, as shown on [Exhibit #1](#):

- a) The existing buildings identified by street address in Section 1, including structures accessory thereto, shall be preserved and shall not be permitted to be demolished, except as hereinafter specified.
- b) The existing buildings identified by street address in Section 1, including structures accessory thereto, are hereto established as references for design compatibility of new structures, additions and exterior alterations of existing structures for the purpose of (1) preserving the present structures and parts thereof as they now exist in terms of architectural style, scale and character, and (2) insuring that replacements of said structures and parts thereof will be compatible and in harmony with said architectural style, scale and character.
- c) In addition to building permits required by the Building Code, there shall be required building permits for any new construction, additions and exterior alterations which would materially alter the external character and appearance, such as exterior painting, alterations of front retaining walls, replacement of ornamental ironwork and the like.

Section 4. That within Area B, shown on [Exhibit #1](#), the standards specified in Section 3 of Area A shall apply, except for the prohibition of demolitions.

Section 5. That within Area C, shown on [Exhibit #1](#), new construction, additions and exterior alterations of existing structures shall be limited in sufficient degrees to reduce the adverse impact upon Area A, including such factors as building height, building appurtenances, signs and the like.

Section 6. The applicable guides for determining compatibility of new construction, exterior alterations of existing structures and demolition of existing structures by an Architectural Board of Review for Areas A, B and C of said plat, shown on [Exhibit #1](#), shall be as follows, the provisions of other codes and ordinances notwithstanding.

Area A

Preservation of Existing Structures

The Board shall have the authority to prevent the demolition of any building, any structure, or any part thereof, on the property of the addresses identified in Section 1, except that such authority shall be limited to a period of one (1) year following the application for a demolition permit. Upon receipt of an

application for a demolition permit involving a building which the Board determines should not be demolished, notice of the denial of such application for demolition shall be sent to the applicant and the Council of the City of Cincinnati.

Areas A and B

(1) Exterior Alterations of Existing Structures

- (a) The Board shall have the authority to permit alterations of existing structures but to require that any exterior alterations of existing structures, whether principal or accessory, be compatible and in harmony with the architectural style, scale and character of said existing structures identified in Section 1. Exterior alterations subject to such requirements shall include alterations applicable to walls, roofs, chimneys, cornices, windows, doors, steps, fences, posts, railings, ornamental ironwork, and any other features affecting the life and appearance of said structure deemed by the Board to be appropriate.
- (b) The Board shall have the authority to require compatibility of all materials, including paint, as to color and texture.

(2) New Construction and Additions

- (a) The Board shall have the authority to require that any new structures or additions to existing structures be compatible and in harmony with the architectural style, scale, character, and height of existing structures identified in Section 1.
- (b) Architectural features to be considered by the Board shall include those hereinbefore specified for exterior alterations of existing structures under paragraph (B) (1) of this Section.

(3) Replacement for Demolitions

- (a) The Board shall have the authority to require that where existing structures or parts thereof have been demolished, the replacement for such demolished structures shall be subject to the requirements for new construction and additions specified under paragraph (B) (2) of this Section.

(4) Use of Substitute Designs and Materials

Where, in the opinion of the Board, strict conformity to existing designs or the duplication or replacement of existing building materials would be too costly or difficult to accomplish, would work an undue hardship upon the property owner, or would be a safety hazard, the Board may authorize the use of substitute designs and materials, provided that the use of such designs and materials will carry out the purpose and intent of this Ordinance.

(5) Cost Differential

Where a property owner has a lot of record as of the effective date of this ordinance and the cost of any exterior alteration, addition or new construction required by the Board is greater than the cost of such improvement proposed to be made in accordance with normal maintenance requirements of the Building Code and no financial assistance is available to pay said cost differential within one (1) year following the Board's decision with respect to such requirements, the Commissioner of Buildings shall issue a permit to make only such improvement as is required by the Building Code.

(6) Signs

The Board shall have the authority to require that signs shall be so designed as to be compatible and in harmony with the architectural style, scale and character of the existing structures identified in Section 1.

Area C

- (1) The Board shall have the authority to require that all new buildings and exterior alterations of existing structures, including all buildings and structures accessory thereto, shall not exceed a height of forty-five (45) feet.
- (2) The Board shall have the authority to require that all signs shall be so designed and located as to be compatible and in harmony with the character of Area A, as shown on [Exhibit #1](#)
- (3) The Board shall have the authority to require that building appurtenances (such as tanks, fans, and similar mechanical equipment) and places of motor vehicle access (such as garage doors, service docks and other openings) shall be designed and located as to be compatible and in harmony with the character of Area A, as shown on [Exhibit #1](#).

Section 7. That the Board shall have the authority to adopt rules and regulations consistent with the purposes herein stated.

Section 8. That, when and after this Ordinance is adopted, the Commissioner of Buildings shall not issue a building permit for any application filed for any property on said plat unless he received approval in writing from the Board, provided, however, that:

- (a) Failure by the Board to act within thirty (30) days following the filing of material with the Board by the Commissioner of Buildings shall be deemed to constitute approval:
- (b) Where there are on file with the Commissioner of Buildings, prior to the effective date of this Ordinance, building plans and a statement of intent to build in accordance with said plans, permits shall be issued for such buildings without the approval of the Board; and
- (c) In cases involving fire damage, structural hazards or other threats to the public safety or to the health or safety of the occupant, the Commissioner of Buildings shall be empowered to authorize temporary repairs to a building or the partial demolition of a building (or the total demolition of a building if partial demolition and repair of the building is economically unfeasible), without the approval of the Board

Section 9. The Clerk of Council is hereby directed to note on said plat and accompanying guides referred to in Sections 1 through 7 and the date of adoption thereof to the County Recorder of Hamilton County, Ohio, for the purpose of having the same recorded.

Section 10. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed June 16, AD 1965